

REMARKS

Foreign Priority

The acknowledgement, in the Office Action, of a claim for foreign priority under 35 U.S.C. § 119(a)-(d), and that the certified copy of the priority document has been received, is noted with appreciation.

Status Of Application

Claims 1-23 were pending in the application; the status of the claims is as follows:

Claims 1-10, 17-19 and 21-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,188,432 to Ejima ("Ejima") in view of U.S. Patent No. 5,625,415 to Ueno et al. ("Ueno").

Claims 11, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ejima in view of Ueno and further in view of U.S. Patent No. 5,187,776 to Yanker.

Claims 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,808,678 to Sakaegi.

Drawings

The indication that the drawings filed on January 7, 2002 are accepted by the Examiner is noted with appreciation.

Objection to the Title

The objection to the title of the invention as not being descriptive is noted and a new title is presented in this Amendment which is clearly indicative of the invention to which the claims are directed. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Claim Amendments

Claims 1 and 17 have been amended. Claim 1 was amended to make it dependent from independent claim 13. No new subject matter was added. Claim 17 was amended to clarify the language therein in a manner which does not affect the scope of the subject matter of the claim. These changes are not necessitated by the prior art, are unrelated to the patentability of the invention over the prior art, and do not introduce any new matter.

New Claims

New claims 24 and 25 have been added to provide a more adequate basis of protection of the invention. Claim 24 corresponds to claim 13. Claim 25 corresponds to claim 17. No new matter was added. Thus, claim 24 should be allowable for the reasons presented below with respect to claim 13, and claim 25 should be allowable for the reasons presented below with respect to claim 17. Accordingly, prompt allowance of these claims is respectfully requested.

35 U.S.C. § 102(b) Rejection

The rejection of claims 13-16 under 35 U.S.C. § 102(b), as being unpatentable over Sakaegi, is respectfully traversed based on the following.

Claim 13 includes:

a colorimetric circuit for carrying out colorimetric calculations so as to adjust white balance of said subject image independent of said specified position specified by said specifying member

Sakaegi discloses a camera having a position designating apparatus for designating a point in a displayed finder image for receiving exposure values to perform integration of a color-difference signal to control the image sensing signal processor so that an image having appropriate white balance is achieved. As stated in Sakaegi at column 5, line 60 – column 6, line 10:

The system controller 7 sets the coordinate value of the area 202 at the window cut-out circuit 11. [T]he window cut-out circuit 11 outputs only the video signal in the area to the AE integration circuit 12, the WB integration circuit 13 and the focus detecting circuit 14. The AE integration circuit 12 integrates the received video signal value and outputs the integrated result to the system controller 7. The system controller 7 controls the iris open and the shutter speed of the camera so that the received value becomes the proper exposure value. Similarly, the **WB integration circuit 13** performs integration of a color-difference signal **in the cut-out area**, and based on the integration result, the system controller 7 controls the image sensing signal processor 4 so that the image of appropriate white balance can be obtained. Further, the focus detecting circuit 14 outputs focus information based on the cut-out video signal to the system controller 7, and the system controller 7 drives the focus adjusting unit 15 to perform focusing operation

That is, colorimetric operation of the device of Sakaegi only operates on the cut-out area and thus the white balancing operation is **dependent** on the specified position.

According to claim 13, the white balance of the subject image carried out **independent** of the specified position. This feature is not shown or suggested in Sakaegi. Claims 14-16 depend from independent claim 13 and thus include every limitation of claim 13. Thus, claim 13, and claim 14-16 which depend therefrom, are not anticipated by Sakaegi.

Accordingly, it is respectfully requested that the rejection of claims 13-16 under 35 U.S.C. § 102(b) as being unpatentable over Sakaegi, be reconsidered and withdrawn.

35 U.S.C. § 103(a) Rejections

The rejection of claims 1-10, 17-19 and 21-23 under 35 U.S.C. § 103(a), as being unpatentable over Ejima in view of Ueno, is respectfully traversed based on the following.

Claims 1-10

Claims 1 has been amended to depend from claim 13. Claims 2-10 are dependent upon claim 1. Therefore, claims 1-10 are dependent upon claim 13 and include every limitation of claim 13. Claim 13 recites "a colorimetric circuit for carrying out

colorimetric calculations so as to adjust white balance of said subject image *independent* of said specified position specified by said specifying member.” (*Emphasis Added*). None of the cited references, singly or in combination, discloses or suggests the above limitation of claim 13. To support a *prima facie* case for obviousness, the combined references must show or suggest every limitation of the claim. MPEP §2143.03. Therefore, claim 13 is not obvious over the cited references. A claim that is dependent upon a nonobvious claim is also nonobvious. MPEP §2143.03. Thus claims 1-10 are also nonobvious.

Claims 17-19 and 21-23

Ejima discloses a zooming system having a first zooming means for zooming an object image and a second zooming means for zooming a line drawing superimposed on the object image. The user chooses between a first mode and a second mode of operation. In one of the first and second modes, the object image is zoomed while the line drawing is not. In the other mode, the line drawing is zoomed when the object image is zoomed.

Ueno ‘415 discloses an apparatus performing pre-shooting to determine focusing and exposure characteristics at a predefined position prior to the image being captured.

In contrast to the cited references, claim 17 includes:

an image sensor for picking up an image of a subject at a selected zoom setting and for generating a subject image; ...

a display controller for displaying a portion of said subject image in an enlarged manner in an enlarged area containing said specified position specified by said specifying member on said screen while maintaining said selected zoom setting for said subject image.

Ejima only shows enlarging a selected area by electronically zooming to that area to create a new subject image (figures 9B and 10B, column 9, lines 54-63). Ejima does not show or suggest enlarging a portion of a subject image while maintaining a selected zoom setting for the subject image. Ueno does not show or suggest enlarging a selected portion of an image. To support a *prima facie* case for obviousness, the combined references must show or suggest every limitation of the claim. MPEP §2143.03. Neither

of the cited references shows or suggests enlarging a portion of a subject image while maintaining a selected zoom setting for the subject image. Therefore, claim 17 is not rendered obvious by a combination of Ueno and Ejima.

As claims 18, 19, and 21-23 depend from claim 17, and thus include every limitation of claim 17. A claim that is dependent upon a nonobvious claim 17 is also nonobvious. MPEP §2143.03. Therefore, claims 18, 19, and 21-23 are also nonobvious over the cited references.

Accordingly, it is respectfully requested that the rejection of claims 1-10, 17-19 and 21-23 under 35 U.S.C. § 103(a) as being unpatentable over Ejima in view of Ueno, be reconsidered and withdrawn.

Claims 11, 12 and 20

The rejection of claims 11, 12 and 20 under 35 U.S.C. § 103(a), as being unpatentable over Ejima in view of Ueno and further in view of Yanker, is respectfully traversed based on the following.

Yanker is directed to an image editor which includes a zoom function. The zoom automatically centers on a present position of an indicator on a displayed image and magnifies and stores the magnified position of the image whether or not the magnified position of the image is in focus.

Claims 11 and 12 have been amended to depend indirectly from claim 13, and thus include every limitation of claim 13. As noted above, claim 13 includes the limitation of "a colorimetric circuit for carrying out colorimetric calculations so as to adjust white balance of said subject image independent of said specified position specified by said specifying member." Ejima, Ueno and Yanker do not show or suggest this limitation. Therefore, the cited references in combination do not show or suggest every limitation of claims 11 and 12. Thus, claims 11 and 12 are not obvious over the cited references.

Claim 20 depends from independent claim 17, and thus includes every limitation of claim 17. As with Ejima and Ueno, Yanker does not show or suggest enlarging a portion of a subject image while maintaining a selected zoom setting for the subject image. Thus, claim 20 is not obvious over the cited references.

Accordingly, it is respectfully requested that the rejection of claims 11, 12 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Ejima in view of Ueno and further in view of Yanker, be reconsidered and withdrawn.

CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment increases the number of independent claims by 1 from 3 to 4 and increases the total number of claims by 2 from 23 to 25, but does not present any multiple dependency claims. Accordingly, a Response Transmittal and Fee Authorization form authorizing the amount of \$120.00 to be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260 is enclosed herewith in duplicate. However, if the Response Transmittal and Fee Authorization form is missing, insufficient, or otherwise inadequate, or if a fee, other than the issue fee, is required during the pendency of this application, please charge such fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

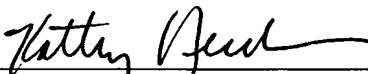
Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be

construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

By: 
Kathy E. Needleman
Registration No. 47,816
Attorney for Applicant

KEN/jkk:bar
SIDLEY AUSTIN BROWN & WOOD LLP
717 N. Harwood, Suite 3400
Dallas, Texas 75201
Direct: (214) 981-3474
Main: (214) 981-3300
Facsimile: (214) 981-3400
June 10, 2003